

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CAROL A. RICE-PETERSON,

Plaintiff,

v.

Case No: 11-14565-BC

Honorable Thomas L. Ludington

UNUM LIFE INSURANCE COMPANY
OF AMERICA,

Defendant.

ORDER DIRECTING BRIEFING ON PLAINTIFF'S REQUEST FOR DISCOVERY

Plaintiff's December 19, 2011, statement for case management notified the Court of her intent to enter a transcript of a recording she made during her independent medical evaluation with a physician selected and paid for by Defendant. Defendant objects to this request. Generally, ERISA denial of benefits actions are constrained to the contents of the administrative record and the parties' arguments regarding how the record should be interpreted. *Andren v. The Hartford*, No. 07-12559, 2008 U.S. Dist. LEXIS 40018, at *2 (E.D. Mich. May 12, 2008). There are, however, limited circumstances under which discovery may be sought where evidence is offered in support of a procedural challenge to the administrator's decision, such as an alleged lack of due process or procedural irregularity afforded by the administrator or any alleged bias on its part. *Wilkins v. Baptist Healthcare Sys., Inc.*, 150 F.3d 609, 619 (6th Cir. 1998). Further explanation and briefing regarding Plaintiff's request to expand the administrative record would assist the Court.

Accordingly, it is **ORDERED** that Plaintiff is **DIRECTED** to file supplemental briefing addressing the issues presented above on or before **February 7, 2012**.

It is further **ORDERED** that Defendant is **DIRECTED** to file a response brief on or before **February 21, 2012.**

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 24, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 24, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS